

Page 1

UNITED STATES DISTRICT COURT

2 | **CENTRAL DISTRICT OF CALIFORNIA**

4 DOUGLAS TROESTER, on )  
5 behalf of himself and )  
6 all others similarly )  
7 situated. ) Case No.

8 | Plaintiffs. ) 2:12-cv-07677-GAF-PJW

9 VS.)

10 STARBUCKS CORPORATION, a )

11 Washington Corporation; )

12 and DOES 1-50, inclusive, )

Defendants.)

14 \_\_\_\_\_)

25 | PAGES 1 - 91

Page 50

1 BY MR. SETAREH:

2 Q. I'm trying to understand why you think that  
3 this time is not compensable?

4 MR. KNOPP: Objection, asked and answered,  
5 several times.

6 THE WITNESS: I don't think it's work time.

7 BY MR. SETAREH:

8 Q. And why not?

9 MR. KNOPP: Objection, asked and answered.

10 THE WITNESS: We've previously talked about  
11 those things that were considered work time. I  
12 think once they've locked the door and they're  
13 leaving the premises and walking to their car, I  
14 don't believe that's work time. I wouldn't expect  
15 to get compensated to walk to my car.

16 BY MR. SETAREH:

17 Q. Remember Exhibit 1, isn't this part of the  
18 Store Operations Manual, this document that we're  
19 looking at, Exhibit 7?

20 A. Exhibit 6 is part of a training program for  
21 shift supervisors, listed at the bottom, shift  
22 supervisor 100.

23 Q. When they receive the employee handbook,  
24 you're telling them that if they don't follow the  
25 policies, they're subject to discipline or

Page 51

1 determination, correct?

2 A. Correct, but this is a training manual.

3 Q. So you're telling me, let's say if I forgot  
4 to upload the data at the end of the day. Would I  
5 be subject to discipline if I failed to do that?

6 MR. KNOPP: Objection, beyond the scope of  
7 the designation, lack of foundation.

8 THE WITNESS: So I would state that in the  
9 service of the business, uploading the data is part  
10 of their job duties and responsibilities. It's  
11 contained in the Store Operations Manual and there  
12 could be some sort of coaching, and if done multiple  
13 times, potentially some sort of disciplinary action,  
14 but again, I'm sort of hypothesizing what might  
15 occur.

16 BY MR. SETAREH:

17 Q. As an HR representative, isn't it part of  
18 your duties to recommend hiring, firing and  
19 discipline of the employees?

20 A. Yes, that's an element of my role.

21 Q. So as an element of your role, as the  
22 person that manages, that's the head of HR for the  
23 whole Southern United States, is your testimony here  
24 today that there are sections of this -- of these  
25 policies that employees do not have to follow?

Page 52

1           A. This isn't a policy. This is a training  
2           manual.

3           Q. So there's sections of the training manual  
4           that they do not have to follow?

5           A. I think that mischaracterizes what I'm  
6           saying. What I'm saying is there would be  
7           disciplinary action for not adhering to our policies  
8           and procedures, but each situation obviously is  
9           unique.

10          Q. For the closing of the store, there are  
11          numerous closing tasks?

12          A. Right.

13          Q. Other than walking the partners to their  
14          vehicles, tell me what other ones are the, quote,  
15          unquote, courtesy that you had said is just a  
16          courtesy and they're not required to do?

17          A. I specifically said I feel walking someone  
18          to the car was common courtesy. As it relates to are  
19          you asking me are there other closing tasks that may  
20          or may not require discipline? I'm not sure I  
21          understand your question.

22          Q. Are there any of these other tasks that  
23          aren't required of them to do?

24          A. Required? Let me review. I would say if  
25          they didn't check their voicemail, it probably

1 DECLARATION  
2  
3  
4

5 I hereby declare I am the deponent in  
6 the within matter; that I have read the foregoing  
7 deposition and know the contents thereof, and I  
8 declare that the same is true of my knowledge except  
9 as to the matters which are therein stated upon my  
10 information or belief, and as to those matters, I  
11 believe it to be true.

12 I declare under the penalties of  
13 perjury of the state of California that the  
14 foregoing is true and correct.

15 executed on the 16<sup>th</sup> day of January  
16 2014, at Winchester, California.  
17  
18  
19  
20  
21  
22  
23  
24  
25

  
\_\_\_\_\_  
WITNESS

Page 90

## INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

### ERRATA SHEET

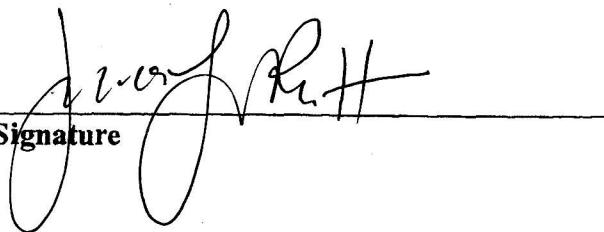
Page	Line	Change:	Reason:
<u>7</u>	<u>9</u>	<u>degree</u>	<u>should not be plural -degrees</u>
<u>9</u>	<u>17</u>	<u>and San Diego</u>	<u>currently says in San Diego</u>
<u>11</u>	<u>13</u>	<u>Weimer</u>	<u>Spelled incorrectly</u>
<u>11</u>	<u>20</u>	<u>Gayle</u>	<u>Spelled incorrectly</u>

Page	Line	Change:	Reason:
<u>14</u>	<u>14</u>	<u>staffing strategy for our team</u>	<u>incorrectly captured</u>
		<u>that includes our point...</u>	
<u>27</u>	<u>20</u>	<u>incorrectly captured, clarifies</u>	
		<u>those to shift supervisors</u>	
<u>33</u>	<u>6</u>	<u>incorrectly captured</u>	
		<u>to walk to my car</u>	
<u>48</u>	<u>19</u>	<u>incorrectly captured</u>	
		<u>Compensation should read</u>	
<u>63</u>	<u>2</u>	<u>incorrectly captured expectation</u>	
		<u>Change:</u> _____	
		<u>Reason:</u> _____	
		<u>Change:</u> _____	
		<u>Reason:</u> _____	
		<u>Change:</u> _____	

X Subject to the above changes, I certify that the transcript is true and correct.

\_\_\_\_ No changes have been made. I certify that the transcript is true and correct.

Signature



1/16/14  
Date

1                   I, GINA M. CLOUD, a certified shorthand  
2 reporter for the State of California, do hereby  
3 certify:

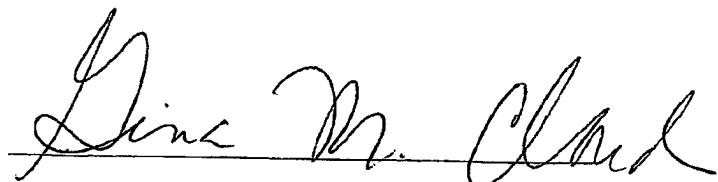
4                   that prior to being examined, the  
5 witness named in the foregoing deposition, was by me  
6 duly sworn to testify the truth, the whole truth,  
7 and nothing but the truth pursuant to Section No.  
8 2093 of the Code of Civil Procedure;

9                   That said deposition was taken before  
10 me pursuant to notice, at the time and place therein  
11 set forth, and was taken down by me in shorthand and  
12 thereafter reduced to typewriting via computer-aided  
13 transcription under my direction;

14                  I further certify that I am neither  
15 counsel for, nor related to, any party to said  
16 action, nor in anywise interested in the outcome  
17 thereof.

18                  IN WITNESS WHEREOF, I have hereunto  
19 subscribed my name this 9th day of January,  
20 2014.

21  
22  
23  
24  
25



GINA M. CLOUD, CSR No. 6315